

AN ORDINANCE 2006 - 01 - 12 - 65 2

**AMENDING THE OFFICIAL ZONING MAP OF THE CITY
OF SAN ANTONIO BY AMENDING CHAPTER 35, UNIFIED
DEVELOPMENT CODE, SECTION 35-304, OF THE CITY
CODE OF SAN ANTONIO, TEXAS BY CHANGING THE
ZONING DISTRICT BOUNDARY OF CERTAIN PROPERTY.**

* * * * *

WHEREAS, a public hearing was held regarding this amendment to the Official Zoning Map at which time parties in interest and citizens were given an opportunity to be heard; and

WHEREAS, the Zoning Commission has submitted a final report to the City Council regarding this amendment to the Official Zoning Map of the City of San Antonio; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 35, Unified Development Code, Section 35-304, Official Zoning Map, of the City Code of San Antonio, Texas is amended by changing the zoning district boundary of 22.66 acres out of NCB 34392 from "R-6" Residential Single-Family District to "C-3" General Commercial District.

SECTION 2. A description of the property is attached as Exhibit "A" and made a part hereof and incorporated herein for all purposes.

SECTION 3. All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35-491.

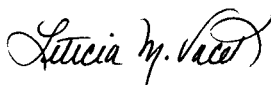
SECTION 4. The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

SECTION 5. This ordinance shall become effective immediately upon passage if passed by eight or more votes otherwise this ordinance shall become effective January 22, 2006.

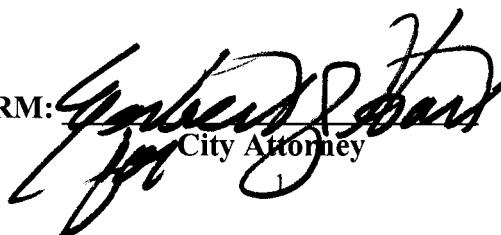
PASSED AND APPROVED this 12th day of January, 2006


M A Y O R
PHIL HARDBERGER

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney

72005257

FIELD NOTES

FOR

A 22.66 acre, or 986,986 square feet more or less, tract of land being all of that called 22.665 acres conveyed to Nickel Joint Venture in Special Warranty Deed recorded in Volume 6727, Pages 1660-1663 of the Official Public Records of Real Property of Bexar County, Texas, out of the Hubertus Meurer Survey Number 359, Abstract 520, County Block 4392, and now being in New City Block (N.C.B.) 34392, in the City of San Antonio, Bexar County, Texas, and being more particularly described as follows;

BEGINNING: At a found $\frac{1}{2}$ " iron rod on the east right-of-way line of F.M. Loop 1604, a variable width right-of-way, for the southwest corner of the herein described tract also the northwest corner of a 10.120 acre tract recorded in Volume 9807, Pages 1668-1673 of the Official Public Records of Real Property of Bexar County, Texas;

THENCE: N 02°07'19" W, along and with the east right-of-way line of said F.M. Loop 1604, a distance of 384.37 feet to a found $\frac{1}{2}$ " iron rod, an angle of said F.M. Loop 1604;

THENCE: N 06°03'17" W, along and with the east right-of-way line of said F.M. Loop 1604, a distance of 805.62 feet to a found $\frac{1}{2}$ " iron rod, for the northwest corner of the herein described tract also the southwest corner of Lot 99, Calvary Hills Baptist Church Subdivision as recorded in Volume 9525, Page 73 of the Deed and Plat Records of Bexar County, Texas;

THENCE: N 89°09'03" E, departing the east right-of-way line of said F.M. Loop 1604, along and with the south line of said Lot 99, a distance of 884.63 feet (884.66 feet by deed and said plat), to a set $\frac{1}{2}$ " iron rod with a yellow cap marked "Pape Dawson", at the west line of a drainage right-of-way of the Oak Creek Unit-3 Subdivision as recorded in Volume 8600, Page 24 of the Deed and Plat Records of Bexar County, Texas, the southeast corner of said Lot 99, the northeast corner of the herein described tract;

THENCE: S 00°17'23" E, along and with the west line of said drainage right-of-way, and continuing with the west line of the Oak Creek Unit-2 Subdivision as recorded in Volume 8500, Pages 75-78 of the Deed and Plat Records of Bexar County, Texas, a distance of 1,194.81 feet (1,194.70 feet by deed), to a found $\frac{1}{2}$ " iron rod the southeast corner of the herein described tract at the northeast corner of the aforementioned 10.120 acre tract;

THENCE: S 89°44'35" W, along and with the north line of said 10.120 acre tract, a distance of 791.37 feet (791.65 feet by deed of said 22.665 acre tract and 791.54 feet by deed of said 10.120 acre tract), to the POINT OF BEGINNING, and containing 22.66 acres in the City of San Antonio, Bexar County, Texas, said 22.66 acre tract being described in accordance with an on the ground field survey and a map or plat prepared by Pape-Dawson Engineers.

PREPARED BY: PAPE DAWSON ENGINEERS INC..

DATE: May 6, 2003

REVISED: June 14, 2003

JOB No.: 9107-03

FILE: N:\Survey03\3-9200\9107-03\9107-03FN.doc

PAPE-DAWSON ENGINEERS, INC.

555 East Ramsey | San Antonio,

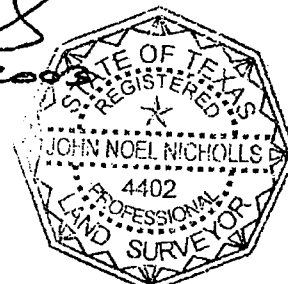
EXHIBIT A

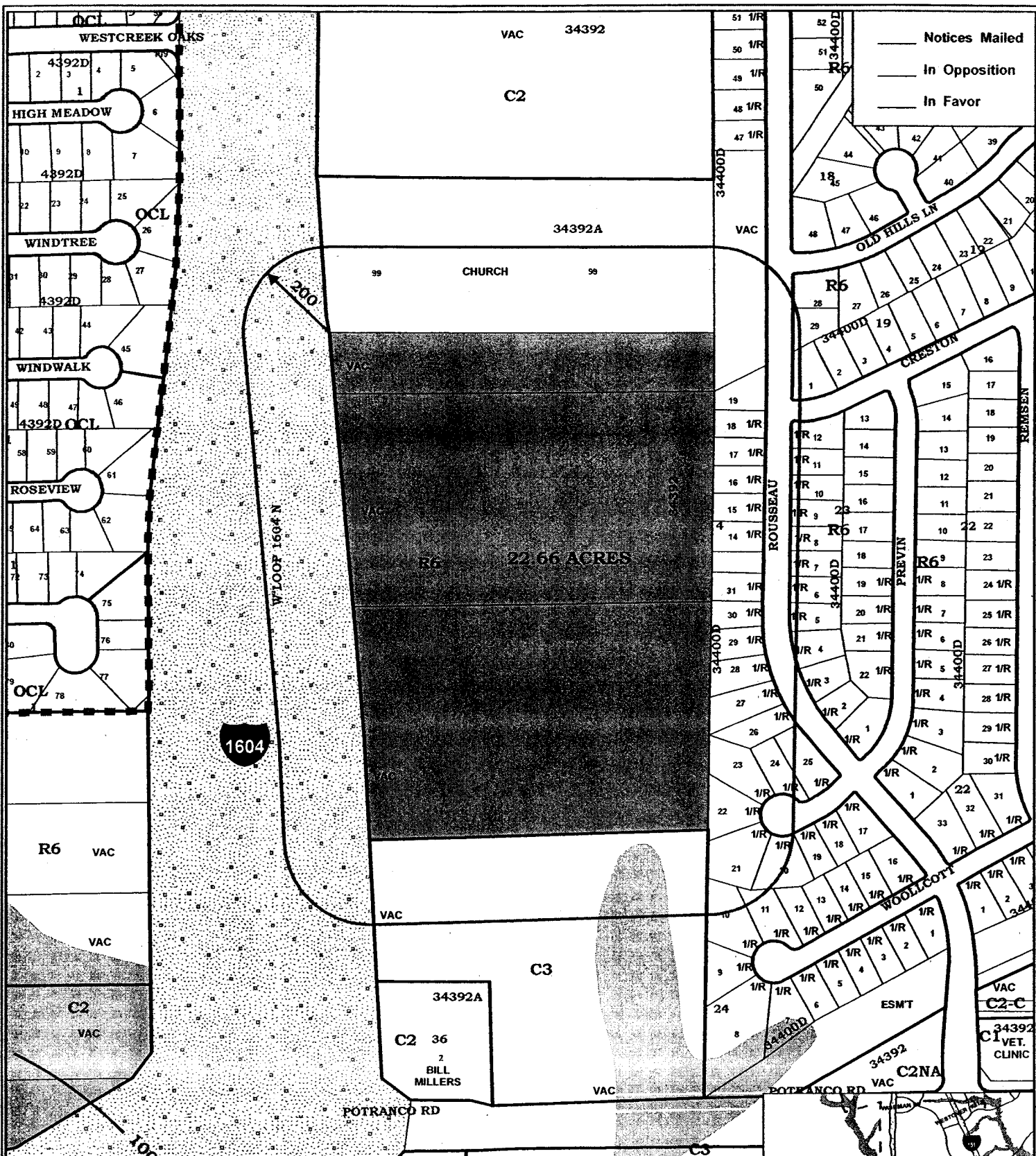
To Ordinance No. _____

Passed and Approved on

January 12, 2006

5.9010 | info@pape-dawson.com





ZONING CASE: Z2005-257

City Council District No. 6
 Requested Zoning Change
 From "R-6" To "C-3"

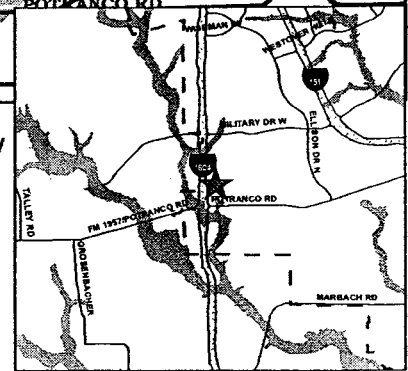
Date: January 12, 2006

Scale: 1" = 200'

■ Subject Property
 ○ 200' Notification



C:\wov_1_2005



CASE NO: Z2005257

Staff and Zoning Commission Recommendation - City Council

Date: January 12, 2006

Zoning Commission Meeting Date: November 15, 2005

Council District: 6

Ferguson Map: 612 B3

Appeal:

Applicant:

Owner

Kaufman and Associates, Inc.

Nickel Joint Venture

Zoning Request: From "R-6" Residential Single-Family District to "C-3" General Commercial District

22.66 acres out of NCB 34392

Property Location: Approximate Northeast corner of West Loop 1604 North and Potranco Road

800 Block of Loop 1604

Proposal: To allow the development of retail uses

Neighborhood Association: Oak Creek Homeowner's Association

Neighborhood Plan: None

TIA Statement: A Traffic Impact Analysis is required.

Staff Recommendation:

Approval

Note: At a neighborhood meeting on November 8, 2005, the applicants stated that a 50 foot natural buffer along the east lot lines and a 25 foot natural buffer along the north lot line would be preserved. Further, the applicants stated that, if the requested "C-3" were approved, many intense and potentially undesirable uses otherwise allowed by right would be limited with a voluntary imposition of deed restrictions.

The requested zoning, "C-3," is most appropriate at the intersections of major thoroughfares where lot lines are usually shared with other commercial uses and traffic circulation is better managed with multiple frontages that offer more flexibility in vehicular ingress and egress. Smaller scale local uses are preferable to regional type uses in locations away from major intersections where less intense residential, commercial and office uses are more common and where access points are limited to a single street frontage. Approximately 87 percent of all commercial retail uses identified in the Unified Development Code (UDC) are permitted by right in the "C-2" zoning district. Retail uses which are not permitted in the "C-2" and instead require a "C-3" zoning district include, but are not limited to, farm supply and feed stores, flea markets, thrift stores and home improvement centers. However, staff believes that the "C-3" zoning district is appropriate in order to complete the commercial node at the intersection of Loop 1604 and Potranco Road.

In this case, a successful rezone to the C-3 district will require the installation of a Type "C" landscape buffer. A landscape buffer is required due to the subject property's location abutting an R-6 residential zoning district. However, the Unified Development Code allows the installation of a solid fence, at least six feet in height, in lieu of the landscape buffer along the rear property line.

CASE NO: Z2005257

Staff and Zoning Commission Recommendation - City Council

The subject properties, Lots P-1F, P-1G and P-4, are currently undeveloped and were annexed into the city in December of 2000 as part of a large annexation encompassing more than 2,200 acres. The annexation-associated zoning of "Temporary R-1" was applied to the properties and, following the 2001 update of the UDC, the zoning was converted to "R-6."

The property immediately north also has "R-6" zoning and is the site of Calvary Hills Baptist Church. There is a continuation of commercial zoning, "C-2," further to the north of the church. Immediately to the east is a residential subdivision, Oak Creek, zoned "R-6." Immediately to the south at the intersection of Loop 1604 and Potranco Road, are parcels of land zoned "C-3." This property was rezoned from "R-6" to "C-3" with the approval of zoning case Z2005194 by the city council in September 2005. The parcels directly to the west, across Loop 1604, have residential zoning, and the densest residential uses are currently outside the municipal boundary of the city.

Zoning Commission Recommendation:

Approval

CASE MANAGER : Matthew Taylor 207-5876

VOTE

FOR	11
AGAINST	0
ABSTAIN	0
RECUSAL	0

Z2005257

ZONING CASE NO. Z2005257 – November 15, 2005

Applicant: Kaufman & Associates, Inc.

Zoning Request: "R-6" Residential Single Family District to "C-3" General Commercial District.

Bill Kaufman, 100 W. Houston, representing the owner, stated this is a phase II of a multi phase project that began at Potranco and Loop 1604. He stated the purpose of this request is to allow the development of a retail center on the subject property. He further stated he has worked extensively with the Homeowner's Association and the adjoining property owners who are in support of this zoning request.

Dennis Ryan, Pape Dawson Engineers, 555 E. Ramsey, stated with regards to the drainage problems, their intent is to leave the natural drainage natural. In order to correct the drainage problem in this area it would require several trees to be removed. They have met with City drainage staff along with the surrounding property owners to address these issues, which raised more concerns from the residents. They do not support removal of trees; therefore they have agreed to leave the natural drainage natural.

FAVOR

Joey Zapata, President of Oak Creek Homeowner's Association, stated they have met with Mr. Kaufman regarding his proposal and they are in support of his request.

Hubert Legg, 910 W. Loop 1604 W., stated his only concern with this "C-3" zoning designation is that this designation also allows for alcohol sales along with SOB's (Sexually Oriented Business's) which they do not support.

Staff stated there were 38 notices mailed out to the surrounding property owners, 1 returned in opposition and 7 returned in favor and no response from Oak Creek Homeowner's Association.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

COMMISSION ACTION

The motion was made by Commissioner Gray and seconded by Commissioner McAden to recommend approval.

Z2005257

1. Property is located on 22.586 acres out of NCB 34392 approximate northeast corner of West Loop 1604 North and Potranco Road.
2. There were 38 notices mailed, 1 returned in opposition and 7 in favor.
3. Staff recommends denial with alternate recommendation of approval of "C-3" and "C-2" CD for a home improvement center.

**AYES: Martinez, Robbins, Rodriguez, Kissling, Farias, Marshall, Sherrill,
McAden, Avila, Stribling, Gray**

NAYS: None

THE MOTION CARRIED

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.